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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SAWAGED, SARI S

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/679,206	Applicant(s) SUSSMAN, LESTER	
	Examiner SARI SAWAGED	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jotikasthira (US Pub No. 2003/0208773) in view of Jones et al. (hereinafter referred to as Jones) (US Pat. No. 5,978,013).**

Claim 1:

Jotikasthira discloses a television apparatus to extract on-demand television advertisement contact information by a television viewer comprising:

a television receiver (transceiving unit 2 incorporated within a television, [0028]) for receiving a television advertisement picture (a billboard or a commercial display, [0029]) signal having a television advertisement data signal associated therewith (information data associated with such programs, [0029]) said data signal representing a page of

data of said television advertisement picture (the applicant defines a page of data to be the data between the <AD> and the </D> tags (see page 6 of the specification) which identify the beginning and end of an advertisement. The examiner understands this to mean that one advertisement constitutes a page of data. Jotikasthira's invention can be applied to a single page of data or to a plurality of pages of data).

a data acquisition circuit for acquiring said page of data of said television advertisement (see [0028] and [0038]; Jotikasthira discloses a transceiving unit 2 which inherently has an acquisition circuit for acquiring data of television advertisements. Jotikasthira refers to acquiring as "capturing".

said page of data comprising a plurality of data (Jotikasthira discloses the page of data contains product name, price, and location for purchasing the product, [0038]), said plurality of data including contact information to contact a representative of said television advertisement by said television viewer (Jotikasthira discloses that the data can include location information for purchasing a product that is advertised. The examiner acknowledges that location information can also be used to contact a representative of an advertisement. See [0038])

a memory for storing a plurality of said page of data (Jotikasthira discloses a memory within the television apparatus for storing page(s) of data referred to as "buffer memory" (13) and "main memory" (14), [0034])

A display for generating images representative of selected portions of said page of data (see Fig. 2; disclosed as “3” in the figure).

A first page selection means (control unit 16 including I/O unit 4, [0035]) for selecting said page of data for display on said television apparatus (information data is displayed on a TV display unit 3, when a display command is issued on the button interface of I/O unit 4 or I/O unit 15).

a wireless transceiver circuit (wireless transceiving unit 11, [0028] [0033]) for transmitting said page of data to a remote control device (personal hand held memory device (PHHM) which can be incorporated into a television remote control, [0010] and [0011]) upon receiving a request signal from said remote control device for first said page selection of said television advertisement (the PHHM device is capable of a plurality of commands some of which are disclosed in [0041]) and for receiving a set of television advertisement data navigation instructions into said television apparatus (Jotikasthira discloses advertisement data navigation instructions which include but are not limited to “sorting” (sorting helps the user navigate the data) that are sent to the television apparatus), [0041]).

a second page selection means (control unit 16 including I/O unit 4, [0035]) for selecting said page of data for display on said remote control device (information data is

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displayed on a PHHM display unit 23, when a display command is issued on the button interface of I/O unit 4 or I/O unit 15).

a third page selection means (control unit 16 including I/O unit 4, [0035]) for selecting said page of data for transmission to said remote control device (I/O units on the PHHM and the television apparatus are capable of “send” and “receive” commands for sending or receiving data to/from another device, [0041])

and a microcontroller coupled to said memory, said display, said first page selection means, said second page selection means, said third page selection means, and said wireless transmitter circuit (Jotikasthira discloses a microcontroller (CPU) “control unit 16” coupled to the memory, display, first page selection means, second page selection means, third page selection means and wireless transmitter circuit, [0008] and [0035])

said microcontroller being configured to cause delivery of a set of television control signals to said wireless transmitter circuit upon receiving a set of signals from said remote control device via said wireless transmitter circuit and to select portions of said pages of data to be displayed on said display in response to a request signal received from said remote control device (the examiner understands this to mean the microcontroller is configured so that select advertisement data is displayed on the television apparatus display in response to a request by the user through the remote control unit (PHHM) via the wireless transmitter circuit. Jotikasthira discloses that the

control unit 16 (microcontroller, CPU) controls the functions of the components of the television apparatus as disclosed in [0008], [0035], and shown in Fig. 4. The control unit also responds to commands issued from a PHHM device (remote control unit) via wireless communications as disclosed in [0033] and [0041].

Jotikasthira discloses receiving a television advertisement picture (a billboard or a commercial display, [0029]) signal having a television advertisement data signal associated therewith ("information data" associated with such programs, [0029]). Jotikasthira, however, is silent as to which standard is used to format/transmit the television advertisement data signal that is associated with the television advertisement picture).

Jones an inventor from the same or a similar field discloses a television apparatus where a product advertisement picture (product advertisement) is displayed and a television advertisement data signal that is directly associated with the television advertisement picture (disclosed as "coupon information") is embedded using the teletext standard (see the Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was to modify the television apparatus of Jotikasthira to use the teletext standard to embed a television advertisement data signal because some teletext standards facilitate

a higher bit rate relative to other methods and commercially available teletext encoders typically include error detection and correction, resulting in increased data transmission capacity and fewer errors at the receivers, as disclosed by Jones (see Col. 13, lines 15-19 and lines 58-63).

Claim 2:

Jotikasthira and Jones disclose the television apparatus in claim 1 (as discussed previously). Jotikasthira discloses that the said first page selection means, said second page selection means, and third page selection means comprise a remote control device having a plurality of command keys (Jotikasthira discloses that the “I/O units 4, 15 of the data transfer devices 10, 20 may contain at least one button (this includes a plurality of buttons or command keys) for issuing a command to the control units 16, 26”, see [0043]. (The examiner understands this to mean that remote control device (disclosed in [0043]) in Jotikasthira’s invention may contain a plurality of command keys that may correspond to the commands disclosed in [0041]).

Claim 3:

Jotikasthira discloses a remote control device (PHHM) to extract on-demand television advertisement contact information by a television viewer comprising:

a memory (main memory 24, Fig. 5) for storing a plurality of television advertisement data (data associated with a “commercial display” or billboard”, [0029]) wherein each said television advertisement data is associated with a specific television advertisement picture signal received and displayed on an active television apparatus (television, [0028]),

said television advertisement data comprising a plurality of data (Jotikasthira discloses an advertisement data signal associated with a specific television advertisement picture contains product name, price, and location for purchasing the product, [0038]), representing a page of data, said page of data including, contact information to contact a representative of said specific television advertisement (Jotikasthira discloses that the advertisement data can include location information for purchasing a product that is advertised. The examiner acknowledges that location information can also be used to contact a representative of an advertisement, [0038]) by said television viewer,

a display (“display unit” (23) in Fig. 2) for generating images representative of selected portions of said television advertisement and associated data.

a user input device (commands issued by a user through buttons of I/O unit 15) for enabling input of television channel selection (the PHHM device can be a TV remote control unit which inherently has channel selection means, [0011]), a set of television

advertisement data navigation instructions (sorting command, [0041]) including; a selection input of said television advertisement displayed on said active television apparatus, and a set of communications instructions into said remote control device (see [0041]).

a wireless transceiver circuit (wireless transceiving unit 21, [0033]) for transmitting a set of control signals and a set of data signals to said television apparatus and a second electronic device and for receiving an on-demand selection of said page of data from said television apparatus (Jotikasthira discloses that the wireless receiver circuit can be used to communicate with one or more devices, such as PHHMs (as shown in Fig. 2, where communication is taking place between a local device and a PHHM; and in Fig. 3, where communication is taking place between two PHHM devices). Commands are disclosed by Jotikasthira for on demand transmission and reception of command and data signals, [0041])

and a microprocessor coupled (control unit 26, Fig. 5) to said memory (main memory 24, Fig. 5), said display (display unit 23, [0033], display unit is not disclosed in Fig. 5 however, a connection between the display unit and the control unit is inherent to Jotikasthira's invention in order for the display unit to respond to the display command in [0041]) said user input device (I/O 15, Fig. 5) and said wireless transmitter circuit (wireless transceiver unit 21, Fig. 5).

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said microprocessor being configured to cause delivery of said set of control data signals to said wireless transmitter circuit and to select portions of said page of data to be displayed on said display in response to said set of communications instructions received from said user input device (the examiner understands this to mean the microcontroller is configured so that select advertisement data is displayed on the remote control apparatus display in response to a request by the user through the remote control unit (PHHM) via the I/O unit 15. Jotikasthira discloses that the control unit 26 (microcontroller, CPU) controls the functions of the components of the remote control unit as disclosed in [0008], [0036], and shown in Fig. 5. Jotikasthira also discloses displaying information on display units 3 or 23 in response to commands issued by a user through I/O units 4 or 15).

Jotikasthira discloses a remote control device to extract on demand television advertisement contact information ("information data" associated with billboard or commercial display (television advertisements) including location for purchasing a product that is advertised (which is understood by the examiner to be contact information), [0029]). Jotikasthira, however, is silent as to which standard is used to format/transmit the television advertisement data signal/contact information that is associated with the television advertisement picture to a customer's television apparatus/remote control unit).

Jones an inventor from the same or a similar field discloses a television apparatus where a product advertisement picture (product advertisement) is displayed and a television advertisement data signal that is directly associated with the television advertisement picture (disclosed as “coupon information”) is embedded using the teletext standard and sent to a customer’s television apparatus (see the Abstract). Jones discloses an analog teletext system where teletext data (token identifier, col. 2 lines 64-66) is imbedded in the vertical blanking interval.

It would have been obvious to one of ordinary skill in the art at the time the invention was to modify the remote control device of Jotikasthira to use the teletext standard to transmit/receive a television advertisement data signal/contact information because some teletext standards facilitate a higher bit rate relative to other methods and commercially available teletext encoders typically include error detection and correction, resulting in increased data transmission capacity and fewer errors at the receivers, as disclosed by Jones (see Col. 13, lines 15-19 and lines 58-63).

Claim 4:

Jotikasthira and Jones disclose the remote control device of claim 3 (as discussed previously).

Jotikasthira discloses wherein said set of communications instructions include:

Jotikasthira discloses a remote control device memory (main memory 24, Fig. 5), a television apparatus memory (buffer memory 13 and main memory 14, Fig. 4), and various communications instructions that can be incorporated into the remote control and the television apparatus. These commands include but are not limited to capturing, sending, receiving, displaying, editing, and deleting. Capturing is used to capture current data in the buffer memory [0041] (e.g. for a current advertisement).

retrieval and display of said page of teletext data stored in said remote control device memory (discloses transmitting and storing teletext data between devices for later viewing[0018]), (discloses on demand display of teletext data on either TV display or the remote control display[0033]), (discloses components of a remote control device which includes memory for storing data "24", [0036]), and (discloses various commands that can be used for controlling data in the remote control unit itself or for controlling data in the TV apparatus, [0041]);

retrieval and display of said page of teletext data for an advertisement displayed on said television apparatus (Jotikasthira discloses received data from a broadcast station (examiner understands this to be displayed data on the television apparatus) being temporarily stored in a buffer before it is overwritten. Jotikasthira discloses that a user can transfer/capture this data and store it in a main memory for further use and handling before being replaced by the new data received (in the temporary buffer). The data stored in the temporary buffer memory can be transferred to the main memory of the

television apparatus and then transferred to and displayed on a remote control apparatus [0034]).

retrieval and display of said page of teletext data stored in said television apparatus memory (as discussed previously, data that was stored in the television apparatus can be transferred to and displayed on a remote control apparatus).

Selection and deletion of a page of teletext data stored in either television apparatus Memory or remote control memory (Jotikasthira discloses deletion of selected data stored in either the television apparatus memory or the remote controller memory [0041]).

retrieval of said page of teletext data stored in said television apparatus memory (as discussed previously data that is stored in the television apparatus can be retrieved by the remote controller apparatus).

Claims 5 and 8:

Jotikasthira and Jones discloses the remote control device of claim 3 (as discussed previously).

Jotikasthira discloses wherein said set communication instructions include:

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retrieval and display of said page of teletext data stored in said memory (discussed in the rejection of claim 4); and

transmission of said page of teletext data to a second electronic device (Jotikasthira discloses that the wireless receiver circuit can be used to communicate with one or more devices, such as PHHMs (as shown in Fig. 2, where communication is taking place between a local device and a PHHM; and in Fig. 3, where communication is taking place between two PHHM devices). A second PHHM can be a PDA ([0011]) as disclosed by Jotikasthira. Commands are disclosed by Jotikasthira for on demand transmission and reception of command and data signals, [0041])

Claim 7:

Jones discloses an analog teletext system where teletext data (token identifier, col. 2 lines 64-66) is imbedded in the vertical blanking interval.

Claims 9 and 10:

Jotikasthira discloses the advertisement contact information of claims 1 and 3 as being "location for purchasing the product(s)" ([0038]) (the examiner understands this to be equivalent to a phone number, a web address, a mail address).

Claims 11 and 12:

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Jotikasthira discloses the wireless transceiver circuit in claim 1 and 3 as being an infrared circuit, [0031].

Claim 13:

Claim 13 is similar in scope to claim 1 and is rejected on the same basis.

Claim 14:

Claim 14 is similar in scope to claims 1 and 3 and is rejected on the same basis.

Claim 18:

Jotikasthira discloses that the television signal of claim 13 is a broadcast television signal, [0019].

Claim 19:

Jotikasthira discloses that the television advertisement contact information of claim 13 as being "location for purchasing the product(s)" ([0038]) (the examiner understands this to be equivalent to a phone number, a web address, a mail address).

Claim 20:

Jotikasthira and Jones disclose the method of claim 13, as discussed previously.

Jones discloses an analog teletext system where teletext data (token identifier, col. 2 lines 64-66) is imbedded in the vertical blanking interval.

Claim 21:

Jotikasthira and Jones disclose the remote control device of claim 3.

Jones discloses that selected teletext data can be transmitted and printed on a printing device so as to print coupons related to the advertisement picture signal that was viewed on a television.

One of ordinary skill in the art at the time the invention was made would have found it obvious to transfer teletext data from the memory of the remote control device to a printing device so as to enable a user to print coupons for discounts on desired advertised products as disclosed by Jones.

7. Claims 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jotikasthira in view of Jones in further view of Yuen (US Pat. 5,898,919).

Claims 15, 16, and 17:

The following limitations of claim 15 are similar in scope to the limitations of claim 3 and are rejected on the same basis.

displaying said page of teletext data stored in said second memory means on a display means on said remote control device (this was discussed in the rejection of claim 4)

navigating said second memory means in said remote control device using said input means on said remote control device (the remote control device disclosed by Jotikasthira includes I/O unit 15 which includes commands (see [0041]) for navigating (Jotikasthira discloses advertisement data navigation instructions which include but are not limited to “sorting” (sorting helps the user navigate the data) in the memory of the remote control device) [0041]).

displaying said page of data selected in said second memory means, using said input means, on said active television apparatus (Jotikasthira discloses that the remote control device can transmit, receive, display, and delete data on either the television apparatus or the remote controller (Jotikasthira does not limit this operation to one device) [0041]. Jotikasthira's invention is capable of transmitting data from the remote controller memory to the television apparatus memory and then displaying the page of data selected in the remote controller memory (that was transmitted to the television apparatus) on the television apparatus).

Further,

Neither Jotikasthira nor Jones disclose “using a second electronic device over a network means”.

Yuen, an inventor from the same or a similar field, discloses a method where data regarding an advertisement is extracted (from the VBI) by a television apparatus and is sent to a remote control unit. The remote control unit can use this information to communicate with a telephone (second electronic device) to contact a representative of the television advertisement. The telephone is connected to a public telephone network (network means) (see Yuen Col. 1 lines 31-47, Col. 2 lines 13-17, 47-60)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jotikasthira, Jones, and Yuen because it would have made it easier for the user to purchase products that are advertised on television.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARI SAWAGED whose telephone number is (571)270-5085. The examiner can normally be reached on Mon-Thurs, 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW KOENIG can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sari Sawaged/
Examiner, Art Unit 2623

/Andrew Y Koenig/
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